

# Notice of Allowability

Application No.

10/617,167

Examiner

NABIL Z HINDI

Applicant(s)

SAITOH ET AL.

Art Unit

2655

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the pre-amendment dated July 10, 2003.
2. ☒ The allowed claim(s) is/are 18-61 renumbered as claims 1-41
3. ☒ The drawings filed on 10 July 2003 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☒ Certified copies of the priority documents have been received in Application No. 09/436847.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

NABIL Z HINDI  
PRIMARY EXAMINER  
GROUP 2500  
2655

In response to applicant's amendment dated July 10, 2003. The following action is taken:

Claims 18-61 are allowed.

The following is an examiner's statement of reasons for allowance: none of the cited prior art shows or teaches an optical head for reading an optical disk having a single light source, an objective lens, a separation optical element, first photo detection means wherein an aperture in an orthogonal direction of the disk track is formed so that an aperture in a first optical path from the light source to the disk is larger than an aperture in a second light path from the disk to the photo detection and an aperture in an parallel direction of the disk track is formed so that an aperture in a first optical path from the light source to the disk is the same as an aperture in a second light path from the disk as claimed in claim 18. None of the references also disclose single light source, an objective lens, a separation optical element, first photo detection means wherein an aperture in parallel direction of the disk track is formed so that an aperture in a first optical path from the light source to the disk is larger than an aperture in a second light path from the disk to the photo detection and an aperture in an orthogonal direction of the disk track is formed so that an aperture in a first optical path from the light source to the disk is the same as an aperture in a second light path from the disk as claimed in claim 34.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably


Application/Control Number: 10/617,167

Page 3

Art Unit: 2655

accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication should be directed to NABIL Z HINDI at telephone number (703) 308-1555.



NABIL HINDI  
PRIMARY EXAMINER  
GROUP 2600  
2/15